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FROM: Robert H. Frantz
Franklin Gray Patents, LLC
Tel: 405-812-5613
Fax: 405-440-2465

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In re the Application of:

Rick Allen Hamilton, II)

Serial Number: 09/834,112)

Group: 3625

Docket Number: AUS920010173US1)

Examiner: Sabrina A. Chang

Filed on: 04/12/2001)

For: "Tightly-coupled Online
Representations for Geographically-
centered Shopping Complexes")

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Robert H. Frantz, Reg. No. 42,553

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P.O. Box 23324 ♦ OKLAHOMA CITY, OK 73123-2334
TEL.: 405-812-5613 ♦ FAX.: 405-440-2465
RFRANTZ@FRANKLINGRAY.COM ♦ WWW.FRANKLINGRAY.COM

Not for entry - discussed at Interview
6/21/04

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REQUEST FOR TELEPHONE INTERVIEW

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant's agent requests a telephone interview with the Examiner for Monday, June 21, 2004, at 2:00 PM (Eastern). If this time is not available, we respectfully request an appointment at the examiner's earliest convenience. Please refer to the attached proposed discussion topics for the interview.

Respectfully submitted,



Robert H. Frantz, Registration No. 42,553
P.O. Box 23324, Oklahoma City, OK 73123
Tel: 405-812-5613, Fax: 405-440-2465

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Robert H. Frantz, Reg. No. 42,553

Serial No. 09/834,112

Rick Allen Hamilton, II

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Proposed Subject Matter for a Telephone Interview

According to our best understanding of the cited references, Ferreira and Kenney, they both pertain to online representations of *actual, real* stores, buildings and malls. For example, Ferreira states consistently throughout his disclosure that the digitized representations of their system correspond to real, geographic features and constructs (emphasis added to the following quotations):

Methods and systems for presenting a virtual representation of a real city

(Title)

...

A virtual city service that provides access to a virtual city application is provided. Users may navigate among a virtual representation of a real region, such as a city. The interface may include images of actual city blocks that have interactive items of interest such as storefronts.

(Abstract)

...

[0041] The present invention relates to a localized navigation system that may use digital imagery and sound to recreate, in exacting detail, a virtual reality simulacrum of any desired real world city.

...

[0049] The digitized images may then be edited and stitched together using any suitable stitching technology at step 105 and stored in database 110 at step 107. The stitching may link the images of the city blocks to one another in image database 110. Whatever links exist in the real city, such as from one city block to another, the same links may exist between the digital images of the virtual city. The result may be a network of inter-linking images that may be freely roamed, from one image to another, much like real life. This is merely an illustrative arrangement of hardware and processes. Any other suitable arrangement and processes may be used.

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Ferreira is silent as to associating images of stores and mall spaces with *online-only* merchant web sites (e.g. with "cyberstores") to provide an appearance to a user of a relationship of the online cyberstore with a real store.

Similarly, Kenney is directed towards electronic, online shopping where the stores depicted online correspond to *real*, "*bricks-and-mortar*" stores (emphasis added to the following quotations):

An interactive electronic shopping system and method create a **virtual shopping facility from an actual shopping facility**, such as a grocery store, restaurant, or office. A shopper at a computer or other suitable display device can move through the virtual shopping facility and see **replicas of what would be seen in moving through the actual shopping facility**. Various lists of items selected for purchase can be made, and predetermined lists and information can be displayed. Changes in the **actual shopping facility**, such as a change in a display of goods, can be accommodated by replacing prior data with new data so that the **virtual shopping environment is kept current with the actual shopping facility**. (Abstract)

...

...Using the present invention, a shopper can browse through a **virtual duplicate of an actual store** in a manner similar to being **in the actual store** itself. ... **Changes at the actual store can be implemented in the virtual store**. (Col 1, lines 45 - 57)

...

... An interactive electronic shopping system of the present invention comprises: means for converting images of a shopping facility into encoded digital signals representing the images **as would be seen** by a shopper **at a physical embodiment of the shopping facility**; ... (Col 1 line 67 - col. 2 line 4)

...

... This method comprises: **selecting a physically embodied shopping facility** in which a shopper can purchase from among a plurality of products; **converting images of at least a portion of the shopping facility** and the plurality of products into encoded digital signals; storing the encoded digital signals in a computer storage medium; and

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providing access to the stored encoded digital signals such that portions of the stored encoded digital signals are selectable and transmissible to a computer for displaying, on a monitor of the computer, virtual movement within a visual representation of the shopping facility and for permitting examination of visual representations of selected products in response to selected stored encoded digital signals. (Col. 2, lines 27 - 39)

...

A digital camera provides an inexpensive and versatile way for a store owner to electronically capture images of the store's contents for computerized interactive viewing by its customers. The present invention uses this to enable a viewer of a display screen to visually proceed through a virtual embodiment of the store in a fashion similar to walking up and down aisles at the actual store. The viewer can view items on each aisle with the ability to move closer to read images of actual labels on products on shelves or in displays. The digitization of the images generates electronically stored data that allows for efficient substitution of new images if products are moved or changed in a store. Items that the store chooses to highlight, such as for "sale" or "special" items, can flash or otherwise be made distinctive as the customer approaches them on the virtual journey through the displayed store. (Col. 3, lines 48 - 64)

...

An electronic shopping system in accordance with the present invention is represented in FIG. 1. The system creates an electronically produced, electronically transmissible visual replica of a display of goods or other objects at a shopping facility or other particular environment. ... (Col. 4 line 65 - col. 5 line 2)

Kenney is silent as to representation of an *online-only* cyberstore as a virtual physical store.

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Our invention, however, not only provides online representations of real stores, but associates virtual representations of online shopping web sites, where the online shopping web sites are *online-only* merchants (e.g. Amazon.com, etc.). For example, we have disclosed and defined "cybermall" and "cyberstore" as follows:

[0003] Many online shopping "malls", or "cybermalls", have been developed as web-based purchasing has become culturally acceptable to consumers and as online purchasing security concerns have been addressed. However, these online shopping malls are typically little more than a group of hyperlinked web sites or portions of web sites, accessible through a common "home" page.

...

[0004] Cybermalls exist currently as a loose collection of store web sites, for example, a grouping of online shoe stores accessible by a single hop or "click" from a common access point.

...

[0021] The present invention provides an enhanced sensory experience coupled to an online shopping mall web site which creates an apparent geographical coupling between cyberstores within the online mall and to enable store proprietors to control shopping environment factors.

In our background section of our disclosure, we have described the disadvantages to such online-only merchants compared to "bricks-and-mortar" merchants who have actual, real stores and shops. As such, when we refer to a virtual or online shopping mall, or to a cybermall or cyberstore, we are referring to a grouping of online-only merchants and stores for which there is no corresponding real, bricks-and-mortar store.

In preparation of this interview request, we searched a number of Internet terminology dictionaries, including WhatIs.com, NetLingo.com, and Webopedia.com, and found no other, ordinary definitions for "cybermall" or "cyberstore". Therefore, the terms "cybermall" and "cyberstore" as we are using them are provided their meanings by our disclosure, which are not contrary to the generally accepted usages of the terms.

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We would like to discuss during our interview these differences in the cited art and our invention, and to consider an amendment our claims to recite "cybermall" and "cyberstore" consistent with our disclosure, and in order to provide differentiating language from that of the cited references. Our invention provides an online representation of online-only merchants which gives the appearance of an association to a real, bricks-and-mortar store, where there is actually no association with a real, physical merchant facility.

Another manifestation of this difference between the cited references and our invention is that we disclose use of non-photographic images to represent cyberstores, as well as photographic images:

[0031] The image may be a photograph, such as images taken from within an actual mall, in the form of well-known graphic web objects (GIF, JPEG, etc.), or a simulation of a real view of the mall using vector and/or bit map graphics similar to those used in gaming technologies. (emphasis added)

Both of the cited references are silent as to the use of "simulations of real views" including vector graphic images, but instead they disclose only digital photographs of *actual* real views. This is because they do not offer *apparent geographical* representation of *online-only* merchant sites (e.g. cyberstores and cybermalls).

For these reasons, we propose amending our claims to include steps, elements and/or limitations that specify that the user is provide an apparent, but not real, view of a physical merchant facility, where no such physical facility actually exists, in order to provide online-only merchants (e.g. cybermalls and cyberstores) with the same advantages that traditional, bricks-and-mortar stores have had, such as being able to create an ambience an association with their product line, as follows:

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Original Claim 1 with proposed insertions and ~~deletions~~:

A method of presenting information regarding products, suppliers and ~~offeror~~ offerors to users of a a browsing device visiting a cybermall ~~customers in a virtual shopping mall~~, said cybermall comprising a collection of cyberstores which are not associated with a physical merchant facility, said method comprising the steps of:

providing displaying on a portion of a computer display a map of a cybermall ~~virtual shopping mall~~, said map having a coordinate system associated with positions within the cybermall shopping mall;

assigning ~~a customer~~ a user an initial position having a set of coordinates within the cybermall shopping mall;

presenting to said user at least one multimedia object to ~~a customer~~ said user indexed to said initial position, said multimedia objects being associated with one or more cyberstores such that an apparent relationship to an existent physical merchant facility is provided wherein said physical merchant facility is actually nonexistent;

updating said initial position to a subsequent position responsive to a position change command from said user ~~a customer~~; and

presenting to said user at least one multimedia object to a customer indexed to said subsequent position, thereby providing the appearance to said user of movement through an existent merchant facility where such merchant facility is actually nonexistent.

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